

Attorney Docket No. 50623.60

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Examiner: Victor X. Nguyen

Syed F.A. Hossainy

Serial No.: 09/966,421

Art Unit: 3731

Filed: September 27, 2001

Title: Remote Activation of an Implantable Device

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAR 25 2005**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**COMMUNICATION REGARDING RE-SUBMISSION OF  
INFORMATION DISCLOSURE STATEMENT**

Dear Examiner Nguyen:

On August 29, 2003, the Examiner mailed an Office Action that included a copy of the form PTO-1449 that was filed with an Information Disclosure Statement on December 31, 2001. The Examiner did not initial two of the references listed on the PTO-1449. According to the Examiner, the file did not include the two references. The Examiner has asked Applicant to provide copies of the references.

Please find enclosed (1) a copy of the Information Disclosure Statement along with the form PTO-1449 filed on December 31, 2001; (2) a copy of the form PTO-1449 filed with the August 29, 2003 Office Action; and (3) copies of the Oh et al. and Shershen et al. references. The Examiner is requested to make this information of official record in the application.

The re-submission of the enclosed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or

San Francisco/116536.1

otherwise remove the documents as a competent reference against the claims of the present application. The re-submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

The present Information Disclosure Statement is being re-submitted. Therefore, no certification under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required. However, if it is found necessary, please charge Deposit Account No. 07-1850 in the amount of \$180.00 as specified in 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p).

Date: March 25, 2005

SQUIRE, SANDERS & DEMPSEY L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Telephone (415) 954-0200  
Facsimile (415) 393-9887

Respectfully submitted,



Paul J. Meyer, Jr.  
Attorney for Applicants  
Reg. No. 47,791

**SQUIRE  
SANDERS****LEGAL  
COUNSEL  
WORLDWIDE****SQUIRE, SANDERS & DEMPSEY L.L.P.****One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492  
Office: +1.415.954.0200  
Fax: +1.415.393.9887****Preferred Fax: \_\_\_\_\_  
If Problems: \_\_\_\_\_****March 25, 2005****RECEIVED  
CENTRAL FAX CENTER****MAR 25 2005****PLEASE DELIVER THESE PAGES IMMEDIATELY****Number of Pages (including cover): 21****TO: Examiner Victor X. Nguyen****FAX NO.: (703) 872-9306****COMPANY: USPTO, Art Unit 3731****PHONE NO.: (571) 272-4699****FROM: Paul J. Meyer, Jr.****DIRECT DIAL NO.: +1.415.954.0345****E-MAIL: pmeyer@ssd.com****RE: U.S. Patent Application Serial No. 09/966,421  
Entitled: Remote Activation of an Implantable Device  
Our File 50623.60****Message:**

As you requested, please find attached the two missing references from the IDS filed on 12/31/01.

If you have any questions regarding the attached, please let me know.

Paul J. Meyer, Jr.

**CONFIDENTIALITY NOTICE:**

The attached information is **LEGALLY PRIVILEGED AND CONFIDENTIAL** and is intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please be aware that any dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the postal service. Thank you.

**Sender No.: 07510****50623.60****Rebecca Klits****Account No.****Return to Office****Job No:**[www.ssd.com](http://www.ssd.com)

PTO/SB/97 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031

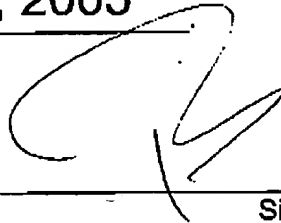
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on March 25, 2005  
Date



Signature

**Paul J. Meyer, Jr.**

Typed or printed name of person signing Certificate

**Note:** Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Communication Regarding Re-submission of Information Disclosure Statement

Copy of Form PTO 1449 signed by the Examiner and dated 8/5/03

Copy of Ref. L, entitled "Research on annihilation of cancer cells by glass-ceramics for cancer treatment with external magnetic field. I. Preparation and cytotoxicity"

Copy of Ref. M, entitled "Temperature-sensitive polymer-nanoshell composites for photothermally modulated drug delivery"

• Copy of return postcard date stamped 1/22/2002 by USPTO

Copy of Information Disclosure Statement and attached Form PTO 1449 filed 12/31/2001

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Date Mailed: December 31, 2001 By: CLK/jes Docket No.: 50623.60  
Serial No.: 09/965,421 Filed: September 27, 2001  
Applicant: Syed F.A. Hossainy  
Title: Remote Activation of an Implantable Device

The following has been received in the U.S. Patent Office on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Utility Patent Application                    | <input type="checkbox"/> Preliminary Amendment ___ Pgs.                          |
| <input type="checkbox"/> Drawings Informal Sheets                      | <input type="checkbox"/> Petition for Extension of Time                          |
| <input type="checkbox"/> Deposit Account Authorization 07-1850         | <input checked="" type="checkbox"/> Certificate of Mailing                       |
| <input type="checkbox"/> Oath/Declaration/Power of Attorney (executed) | <input type="checkbox"/> Transmittal Letter                                      |
| <input type="checkbox"/> Recordation Cover Sheet (In Duplicate)        | <input type="checkbox"/> Request for Corrected Filing Receipt                    |
| <input type="checkbox"/> Assignment                                    | <input type="checkbox"/> Copy of Filing Receipt Marked in Red Ink                |
| <input type="checkbox"/> Continued Prosecution Application (\$1.53(d)) | <input type="checkbox"/> Issue Fee Transmittal with PTO-85b                      |
| <input type="checkbox"/> Provisional Application ___ Pages             | <input type="checkbox"/> Copy of PTO-1533, Notice to File Missing Parts          |
| <input type="checkbox"/> Design Application ___ Pages ___ Drawings     | <input checked="" type="checkbox"/> Info. Disclosure Statement & PTO-1449/8 Refs |
| <input type="checkbox"/> Request For Status of Application             | <input checked="" type="checkbox"/> Copy of Official Filing Receipt              |
| <input type="checkbox"/> Check for                                     | <input type="checkbox"/> Other   |

